

1903-038 Chancery Causes: Cornelia A. Johnston vs. Robert Johnston
Lee Co.

Arney, Hughes, Carter

CA-Divorce
T-Vices

To the Hon. H.A.W. Skeen, Judge of the Circuit Court for Lee County.

Humbly complaining, your oratrix, Cornelia A. Johnston, a resident of Lee County, Virginia, respectfully represents unto your honor, that on or about the day of 18 she intermarried one Robert Johnston; that they lived together as man and wife until about the first days of March, 1903, when to her surprise, the said Robert took three of their children and left her, and has continued ever since to live away and apart from your oratrix; that they had born to them five children, the two younger of which she now has, and the three older he has with him, some where in Wise County, Virginia.

Your oratrix alleges and avers that the said Robert within the last five years, to-wit, along some time in the month of September, 1903 has been guilty of adultery, by having carnal intercourse with a colored woman in the town of Middlesboro, Ky., but the name of the woman is unknown to your oratrix; that she is advised and alleges that he has been guilty of other acts of adultery, but when, where and with whom, your oratrix is not sufficiently advised to state at this time. *

Your oratrix alleges that the said Robert left her without a just cause; that she is now ^{and} ^{next} has been for more than a year before the institution of this suit a resident of Lee County, Virginia; and that she has ^{not} lived with, cohabited with or in any ^{way} condoned her said husband's said adulterous acts; and that they last cohabited together as man and wife in this County.

The premises considered, your oratrix is advised that she is entitled under the laws of this State to have the bonds of matrimony now existing between her and the said Robert permanently dissolved, and ~~she~~ awarded and granted a divorce a vinculo matrimonii; the prayer therefore of youratrix is that said Robert Johnston be made a party defendant to this bill of complaint; that he be required to answer the same, but he need not do so on oath as that is expressly waived; that on the coming in of the proof of said Robert's adulterous acts, she be awarded a decree for ever dissolving the bonds of matrimony now existing between her and the said Robert Johnston, a vinculo matrimonii; that she be allowed to keep the two youngest children without interference from the said

* Your oratrix alleges and avers that said adulterous acts were not brought about by the procurement or connivance of her self

Robert, and she be allowed to visit and see the three which the said Robert has. The said Robert threatens to take from her the said two younger children; but your oratrix is advised that since she ^{is} able to take care of them, or rather that her father will take care of them for her, and one of them still nursing, she will be allowed by your honor to keep them. And that all other, further and general relief be awarded your oratrix, as the nature of her case may require, and commensurate with good conscience and equity. And she will ever pray, etc. May process issue, etc.

Summington Bros. P.Q.

Cornelia A. Johnston

vs. { Bier

Robert Johnston

1903. 1st October rules bill
filed and Spa Executed

" 2nd October rules Cause
set for hearing

Cornnelia A. Johnston, Complt.

Vs.

In Chancery.

Robert Johnstone, Defendant.

This cause came on this day to be heard upon the bill taken before A.B. Munsey, a commissioner in chancery, of the complainant, and the depositions of witnesses, and was argued by counsel for the complainant. On consideration whereof, and it appearing to the court that process has been duly served upon the defendant for more than ten days before the rule day at which process was returnable and more than 15 days before the first day of this term of the court, it is adjudged, ordered and decreed that ^{said complainant} she be and is hereby granted and awarded a divorce a vinculo matrimonii, for ever dissolving the bonds of matrimony heretofore existing between the said complainant and said defendant; and that said complainant have the right to keep the two younger children of the marriage between the said parties without interference from the said defendant, and that she be allowed to visit and see the other three who are with the said defendant, and that the said defendant be required to keep and support the three older of their children. And it is further adjudged, ordered and decreed that said complainant recover from the said defendant her costs in this suit as it may be taxed by the clerk of this court, and for the collection of which an execution may issue. And this cause is stricken from the docket.

Leonelia A. Johnston

vs } Drene Fair

Robert Johnston

Entered on Chy O.B.
No 7 Page 358

Enter This
Nov 5-1903
H.C.W. Stone

The Deposition of John Hughes and others taken before Me A. B. Munsey, Commissioner in Chancery for the Circuit Court for Lee County Virginia, at the office of the Clerk of the Circuit Court for Lee County, Va., in the town of Jonesville, Va., pursuant to notice hereto attached, on the 21st day of October, 1903, to be read as evidence on the behalf of the plaintiff in a certain suit in chancery pending in the circuit court for Lee County, wherein Cornelia A. Johnson is plaintiff and Robert Johnson is defendant.

Present. Pennington Bros. attys for plaintiff.

_____ for the defendant.

Frank Arney, a witness of lawful age being first duly sworn deposes and says:

Ques. State your age residence and occupation.

Ans. My name is Franklin A. Arney, age 56, farmer, and reside in Lee County, near Pennington Gap.

Ques. Are you acquainted with the plaintiff and defendant in this suit?

Ans. I am acquainted with both plaintiff and defendant.

Ques. State what if any relation you are to the said Cornelia A. Johnson and Robert Johnson?

Ans. I am father of Cornelia, and father in law of Robert Johnson.

Ques. Where does the said Cornelia now live and how long has she lived at her present abode.

Ans. She lives in Lee County and has been living in this county and State for 20 years, and has lived in this county a year next preceeding the institution of this suit.

Ques. ~~Now~~ Are the said Cornelia and Robert Johnson now living together, and if you say not how long have they been separated?

Ans. They are not living together and have not lived together since about the first of March, 1903.

Ques. State if you know which left the other, and about when.

Ans. Mr. Johnson left Cornelia, about between the first and fifteenth of last March.

Ques. How many children has the said Cornelia and where are they.

Ans. She has five children. Three are with Robert Johnson, and two of them

of them are with her and she is now living at my house, and has so lived with here since the time he left her last March.

Ques. State whether the said plaintiff and defendant have ever slept together at your house or any other place to your knowledge.

Ans. They have not.

And furthur this witness saith not.

his
Frank X Arney I
mark

John P. Hughes, being duly sworn deposes and says:

Ques. State your age residence and occupation.

Ans. age 44, Pocket, Lee Co nty, occupation , laborer and farmer.

Ques. are you acquainted with Cornelia A. Johnson and Robert Johnson and ff so how long have you known them.

Ans. I am acquainted with them both. Have known them 8 or 10 *Years* ~~months~~.

Ques. State whether or not you know the said Robert Johnson has been guilty of adultery, if so when and where was it. Tell the circumstances as near as you can remember.

Ans.

Some time in the month of September last, Mr. Johnson and myself and Mr. Frank Carter went to Middlesboro Ky, and while there ~~xxxxxxx~~ Mr. Johnson got a woman and went into a room with her, where there was a bed and shut themselves up in there, and there was no one else in there. After some little time they came out, and *after* ~~after~~ they came out, *the woman* stated that Johnson had had connection with her while in the said room, She stated it in *his* ~~her~~ presence. I think he has since admitted to me that he had had intercourse with the said woman.

Ques. State whether you knew the woman with whom he went in the said Room?

Ans. I do not know her. She was a dark skinned woman.

Ques. State what if any ~~the~~ ~~part~~ the said plaintiff Cornelia had with said adulterous acts if any.

Ans. She had no connection with it so far as I know, she was not down there.

And furthur this witness saith not.

J. P. Hughes

E.F.Carter, another witness of lawful age being first duly sworn deposes and says.

Ques. State your age residence and occupation.

Ans. Age 28, occupation trader, residence Pennington Gap. Va.

Ques. Are you acquainted with Robert Johnson ^{and} Cornelia Johnson his wife?

Ans. I ^{have} ~~am~~ Known Bob all my life and his wife about 10 years.

Ques. Do you know of any adulterous act on the part of Robert Johnson, and if so state when and where it was and the circumstances connected with it?

Ans. At Middlesboro Ky, I think ^{it} was in last Sept, I was in Middlesboro with Robert Johnson and saw him take a woman into, a room and I went in with him, and I saw ~~him and~~ the woman taking off her clothes to go to bed, and I left them in the room alone. I afterwards asked the woman about it, I dont think Bob was present, and she said they had had a nice time.

Ques. Do you know whether his wife had any connection with the adulterous acts spoken of?

Ans. She was not there and I suppose she had nothing to do with it.

And furthur this witness saith not.

E. F. Carter

Virginia, Lee County, to wit:-

I, R.B. Munsey, Commissioner in Chancery for the Circuit Court for Lee County do hereby certify that the foregoing depositions of John P. Hughes, Frank A. Arney and Frank Carter were duly taken, subscribed to and sworn to before me at the time and place and for the purpose in the caption mentioned.

Given under my hand this the 21st day of October, 1903.

A. B. Munsey Comm in Chcy

Cornelia A. Johnson

or } Depositions

Robert Johnson

Taken before me as
Clerk in Chancery and
filed as Clerk, this
The 21st day of October
1903.

A. B. Munsey Clerk

Come in Chey^{cto} 75

1900 to 10

To

Robert Johnson

Take notice that I shall, on the 2nd day of October 1903,
at the circuit court clerk's office in Lee
County, Va. and in the town of Jonesville
between the hours of 7 A. M. and 7 P. M., on that day, proceed to take the depositions
of John P. Hughes and others, to be read in evidence in my behalf,
in a certain suit depending in the circuit court for the County
of Lee wherein you are Defendant
and I am plaintiff
and if from any cause, the taking of the said depositions be not commenced on that day, or, if com-
menced, be not concluded on that day, the taking of the same will be adjourned and contin-
ued from day to day, or from time to time, at the same place and between the same hours, until
the same shall be completed.

Very respectfully,

Corndia A. Johnson

Cornelia A. Johnson

vs. }

NOTICE TO TAKE
DEPOSITIONS.

Robert Johnson

Pennington Bros. p. q.

Execute & on the 6
day of October 1903.

by delivering a
true copy of the
within notice to
Robert Johnson

J. H. Hark S.S.

for

W. H. Miller S. W. H. Hark

The Commonwealth of Virginia,

Mise
To the Sheriff of the County of ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon *Robert Johnson*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3^d* Monday in *October*, 190*3*, to answer a bill in chancery exhibited against *him* in our said court by

Cornelia A Johnson

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *1st* day of *October*, 190*3*, and in the 12*8th* year of the Commonwealth.

A. B. Munsey, Clerk.

Cornelia A Johnson

vs.

SUBPOENA
IN CHANCERY.

Robert Johnson

Pennington Bros. p. q.

To 2nd October Rules.

1903. Circuit Court.

Executed on 6th day
of Oct 1903 by Belvoir
A True copy of the writ of
Jm. Summons to Robert
Johnson in Person
in Wise County Virginia
J F Haskins
per W H Allen Sec